IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2454 OF 2004

Mr.Dushyant Nanavati. ...Petitioner
V/s.
Mrs.Ninima Dushywant Nanavati & Ors. ...Respondents

Shri Raghuraj i/b. M/s.Shah & Sanghavi for Respondent No.1.
Mrs.M.M. Deshmukh, APP for State.

CORAM : V.M. KANADE, J.

DATED : AUGUST 2, 2006

P.C. :-

. None appears on behalf of the petitioner. Heard learned Counsel appearing on behalf of the respondent.

2. By this petition, the petitioner is challenging the order of issuance of warrant by the Principal Judge, Family Court, dated 16th November, 2004.

3. Brief facts are that the petitioner is the husband of respondent no.1. Both of them had purchased a flat after taking a loan from respondent no.2. Thereafter divorce proceedings were filed in the Family Court at Bandra and in the said proceedings, Consent Terms were filed and undertaking was given by the petitioner that he would clear the dues of the Bank.

Inspite of the solemn undertaking which was given by him, the dues of the bank were not paid and therefore, the Principal Judge, Family Court by its order dated 16th November, 2004 issued a warrant against the petitioner. The said warrant was not executed. In the meantime, this Court by order dated 19th April, 2006 had directed that the petitioner should personally remain present in the court. However, inspite of the specific direction given by this Court, neither the petitioner nor the his counsel remained present.

4. On 8th June, 2006 also, the petitioner did not remain present and as a last chance, two weeks' time was granted. Today also, the petitioner and his counsel are not present. It is obvious that the petitioner is not interested in pursuing the matter. Even otherwise, the Family Court was justified in issuing the warrant.

5. Writ Petition is, accordingly, dismissed. Liberty is granted to the respondent to take out further proceedings in order to ensure that the petitioner is arrested pursuant to the warrant which has been issued by the Family Court.

(V.M. Kanade, J.)